



**Examining Connecticut’s Safety Net for Children
Withdrawn from School for the Purpose of
Homeschooling—Supplemental Investigation To
OCA’s December 12 2017 Report Regarding the Death
of Matthew Tirado**

April 26 2018

Introduction

On February 14 2017, Matthew Tirado, a teenager diagnosed with Autism and Intellectual Disability, died by Homicide from prolonged child abuse and neglect. In 2018, Matthew’s mother, Katiria Tirado, who was responsible for Matthew’s care, pled guilty to a charge of Manslaughter in the First Degree. In December 2017, OCA published an investigative report regarding the circumstances leading to Matthew’s death. OCA found that Matthew, though enrolled in the Hartford Public Schools, had not been allowed by his mother to attend school for approximately one year prior to his death. OCA also learned that despite numerous reports by the school district to DCF alleging abuse and neglect in the Tirado home over the years, in November 2017 Ms. Tirado successfully withdrew Matthew’s younger sister from school by simply filing a notice with the district that she would “homeschool” the child. The school district did not notify DCF of the child’s withdrawal, nor did the district follow up with the family at any point thereafter prior to Matthew’s death.¹ OCA determined that there were no district policies or state law that expressly required district follow-up. In December, 2017 the Juvenile Court granted DCF’s request to close a child protection proceeding filed on Matthew and his sister’s behalf. DCF, the Court, and the children’s appointed attorney did not have the information that Matthew’s sister had been withdrawn from school. After Matthew’s death, DCF’s investigation found no evidence that his sister was in fact being homeschooled, and Ms. Tirado could provide no explanation for why she withdrew her younger child from school.

¹ OCA continues to work closely with the Hartford Public Schools’ leadership team regarding many issues identified in the Matthew Tirado report and related work, and HPS continues to examine and work to improve its internal policies and practices to support children with disabilities and strengthen the safety net for vulnerable students.

For the full OCA report regarding the circumstances leading to the death of Matthew Tirado, please see the OCA website: http://www.ct.gov/oca/lib/oca/MT_final_12_12_2017.pdf. With regard to many issues identified in OCA's report/s, Hartford Public Schools is engaged in an active and robust effort to ensure its compliance and use of best practices with regard to the safety of students. The OCA continues to consult with the district in this effort, and the district is utilizing the services of an outside consulting group to support this work.

The purpose of this supplemental report is to outline the investigation steps taken by the OCA as part of and in follow up to the OCA's fatality investigation into the circumstances leading to the death of Matthew Tirado.

As part of the Matthew Tirado fatality investigation, the OCA reviewed information from six (6) school districts—Hartford and subsequently five additional school districts, geographically and demographically diverse— as well as information maintained by DCF to learn whether there were other children who were removed from school to be homeschooled and who lived in families that had a history of prior involvement with DCF due to reported concerns of abuse or neglect. The OCA also sought information as to whether the five other districts conduct any follow up with families to ascertain whether children who are withdrawn from school are receiving an equivalent education.

Summary of Findings

Based on the data requested from the six school districts, OCA learned that over a span of three academic years, 2013 through 2016, there were 380 students withdrawn from the six (6) districts to be homeschooled, and that 138 of these children (36 percent) lived in families that were the subject of at least one prior accepted report to DCF for suspected abuse or neglect. The majority of these families had a history of multiple prior reports to DCF of suspected child abuse or neglect. OCA also learned that none of the six districts had protocols to conduct follow up with the withdrawn student or his/her family, such as an assessment of academic progress or a portfolio review of work, as suggested by the State Department of Education in previously-issued agency guidance.

Connecticut law is, at best, unclear as to whether a school district has an obligation to check in with or ensure that a student who has been withdrawn to be homeschooled is receiving an equivalent education as the term is used in state compulsory education law. OCA's review of Connecticut and surveys of homeschooling/compulsory attendance laws in the fifty (50) states reveals that Connecticut and ten (10) other states have no regulation or notice requirements regarding homeschooled children. Thirty-nine (39) other states are identified as having some, moderate or high regulation of homeschooling. The lack of regulation in Connecticut for homeschooling leaves an unclear framework for parents, districts, and, where there are concerns of abuse or neglect, for DCF to follow.

OCA's report outlines the following: 1) describes the information sought and obtained by OCA regarding withdrawn children in the six (6) districts, 2) outlines Connecticut's current compulsory school attendance law, 3) summarizes other states' approaches to the regulation of homeschooling/compulsory schooling, and 4) recommends that Connecticut bring stakeholders together to consider a regulatory framework for homeschooling that will provide a safety net for withdrawn students, fulfill the state's interest in ensuring children are educated while still supporting parents' right to homeschool.

This report does not seek to examine, criticize or challenge the merits of homeschooling nor is OCA challenging the right of parents to make individual choices that support the best interests and educational well-being of their children. OCA's investigation was solely focused on understanding the

processes by which children are withdrawn from school, whether there are children who are withdrawn from school who have a history of having been abused or neglected or whose family has a history of reported abuse/neglect concerns, and whether the state has a regulatory framework in place that permits a safety net for withdrawn children who may be removed from school and denied an education.

The Office of the Child Advocate

The OCA is an independent oversight agency authorized to: (i) “[r]eview complaints of persons concerning the actions of any state or municipal agency providing services to children . . . through funds provided by the state,” “[e]valuate the delivery of services to children by state agencies and those entities that provide services to children through funds provided by the state” and “[t]ake all possible action including, but not limited to, conducting programs of public education, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil and special rights of children who reside in this state.”² State law provides that “the Child Advocate shall have access to, including the right to inspect and copy, any records necessary to carry out the responsibilities of the Child Advocate... [and] may issue a subpoena for the production of such records.”³

Methodology

In conjunction with and in follow-up to the OCA’s child fatality investigation into the death of Matthew Tirado on February 14 2017, the OCA examined state law and local practices regarding the withdrawal of students from school for the purpose of being home-schooled. The OCA undertook the following activities in conjunction with this review:

- Review of state law regarding school attendance and enrollment.
- Review of state law regarding the mandatory reporting of suspected child abuse and neglect.
- Review of agency guidance promulgated by the Connecticut Department of Education regarding home-schooling.
- Survey of multiple states’ statutory-regulatory framework for withdrawn/homeschooled students.
- Review of information from six Connecticut school districts regarding all students who were withdrawn to be homeschooled during a three year period (2013-2016).
- Review of child protection records pertaining to students who were withdrawn from school to be home-schooled between 2013 and 2016.
- Correspondence and discussion with school district administrators, school law practitioners, and representatives from the Department of Children and Families and the State Department of Education.
- Review of case law examining state laws regulating the withdrawal of students to be home-schooled.

² Conn. Gen. Stat. § 46a-13*l*.

³ Conn. Gen. Stat. § 46a-13*m*.

Connecticut Law Regarding Compulsory Schooling

Connecticut law does not use the term “homeschool” in any statutes or regulations. Rather, there is state law that compels a parent to ensure their school-age child attends school or receives an equivalent education. Reciprocally, state law requires local school districts to ensure that school-age children are enrolled. Specifically, and in accordance with Connecticut state statutes, parents and guardians are required to ensure:

a child five years of age and over and under eighteen years of age shall cause such child to attend a public school regularly during the hours and terms the public school in the district in which such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. (Emphasis added). ^[1]

Boards of Education are required to:

cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is living in the school district to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of it by the town or necessary to carry into effect the powers and duties imposed by law.” ^[2]

A parent may choose not to enroll a student until age 7.

Agency Guidance to School Districts Regarding Homeschooled Children

In 1994, the Connecticut State Department of Education (“SDE”) published guidance to school districts outlining the agency’s view of how districts can and should comply with school enrollment requirements in the context of homeschooling. The SDE’s guidance stated:

^[1]Conn. Gen. Stat. § 10-184, entitled “Duties of parents. School attendance age requirements,” provides, in relevant part, that: “All parents and those who have the care of children shall bring them up in some lawful and honest employment and instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic and United States history and in citizenship, including a study of the town, state and federal governments. Subject to the provisions of this section and section 10-15c, each parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public school regularly during the hours and terms the public school in the district in which such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools.”

^[2] Conn. Gen. Stat. § 10-220, entitled, “Duties of boards of education,” provides, in relevant part, that: “Each local or regional board of education . . . shall cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is living in the school district to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of it by the town or necessary to carry into effect the powers and duties imposed by law.”

[if] parents wish to educate their child in their home, they must show equivalency as described in Section 10-184 and local boards of education must determine whether or not such a child is receiving equivalent instruction as required by Section 10-220.⁴

The SDE's suggested procedures for home instruction provide:

[a]n annual portfolio review will be held with the parents and school officials to determine if instruction in the required courses has been given [and any] continued refusal by the parent to comply with the reasonable request of the school district . . . to participate in an annual portfolio review may cause the child to be considered truant.⁵

SDE's guidance provides that compliance with the suggested procedures contained in its Circular C-14 would satisfy the statutory requirements contained in §§ 10-184 and 10-220. *Id.*

OCA's Review of Data Regarding Children Withdrawn to Be Homeschooled in Six Connecticut School Districts

OCA reviewed six (6) school districts' withdrawal/homeschooling practices, including the Hartford Public Schools where Matthew Tirado and his younger sister attended. The sampling of school districts included two large urban school districts, two small districts, and two mid-sized suburban districts.

Districts were asked to provide the following data:

- Any student who was withdrawn from the District to be home-schooled at any point during the past three (3) years, including the student's name, age, grade and ethnicity and whether the student had an Individualized Education Program (IEP).⁶
- With respect to each such student being home-schooled: (i) copy of Notice of Intent to Provide Home Instruction; and (ii) any documentation related to a subsequent portfolio/school work review by District staff.

All of the districts reported that children had been withdrawn during the period under review to be homeschooled. No district reported that it follows the SDE Circular Guidance. None of the districts regularly conduct follow-up portfolio reviews with parents and withdrawn students, though some district administrators indicated that they offer the portfolio review to the family and leave the matter to the discretion of the parent. None of the districts were able to produce data or documentation that any follow-up is systematically done with students who were withdrawn from school to be homeschooled. Multiple district administrators stated concern with what they perceive is the lack of

⁴ See Circular C-14 (July, 1994-95)

⁵ *Id.*

⁶ OCA is still reviewing this information as we do not have it from all districts. Where it was received, OCA notes that there are many children who are withdrawn to be homeschooled who were identified as having an IEP by the district.

clear statutory authority for districts to follow with withdrawn and homeschooled students. One administrator stated that they used to require portfolio reviews until a few parents objected and as a result the district made the practice discretionary. Another administrator stated that the district could produce no documentation regarding follow-up with homeschoolers but that after the OCA's inquiry, the district would work to strengthen its practices.

The Six School Districts Received Notifications of Intent to Home-school A Total of 380 Students Between 2013 and 2016.

- School District A had a total of 18 students withdrawn from the District to be homeschooled during the past three academic years.
- School District B had a total of 189 students withdrawn from the District to be homeschooled during the past three academic years.
- School District C had a total of 36 students withdrawn from the District to be homeschooled during the past three academic years.
- School District D had a total of 44 students withdrawn from the District to be homeschooled during the past three academic years.
- School District E (Hartford Public Schools) had a total of 69 students withdrawn from the District to be homeschooled during the past three academic years.
- School District F had a total of 24 students withdrawn from the District to be homeschooled during the past three academic years.

More Than a Third of Children Who Were Withdrawn From School to Be Homeschooled in the Six Districts Lived in Families that Had Prior Involvement with DCF due to Reported Concerns of Abuse or Neglect

OCA cross-referenced the names of each child whose information was provided by the school district with the state's child protection record database, maintained by DCF. OCA sought information regarding how many children who had been withdrawn from school and not followed up with lived in families that had been the subject of a previous accepted report to DCF for concerns of suspected child abuse or neglect.⁷ OCA found that across the six districts, 139 out of the 380 students withdrawn to be homeschooled during the previous three academic years lived in families that were the subject of at least one prior accepted report to DCF for suspected abuse or neglect, with a range of 25% of the students withdrawn to be homeschooled in one district to over 40 % in another district.

⁷ Reports to DCF of suspected abuse or neglect may be accepted or "non-accepted" depending on whether DCF determines that, based on the information provided, the allegation rises to the level of suspected abuse or neglect as defined by state law. See also Conn. Gen. Stat. § 46b-120 and 17a-101a.

Data Regarding Family Child Welfare Involvement for Children Withdrawn from School to Be Homeschooled in the Six School Districts Reviewed By OCA. N= 139.

- 17 children lived in families with 1 prior accepted report to DCF and where there was no substantiation for abuse/neglect.
- 90 children lived in families that were the subject of multiple prior accepted reports to DCF.
- Range of accepted reports to DCF was 2 – 30.
- 43 children lived in families that were the subject of 4 or more prior accepted reports to DCF.
- Most families (more than 75%) in the cohort OCA examined were the subject of accepted reports dated 2013 to the present.

Hartford Public School data

In connection with the Matthew Tirado report, OCA closely examined the child protection case records of all of the withdrawn students whose families had DCF history. Histories with DCF varied by date and severity. HPS provided information that there were 69 children withdrawn from the district between 2013 and 2016 to be homeschooled. Of those 69 children, 28 of the children’s families had prior DCF history, and approximately 12 of the children’s families had very recent involvement with DCF--within 12 months prior or concurrent to the child being withdrawn from school. Hartford’s data did not always contain exact dates of withdrawal from school, and other data contained inconsistent dates. OCA’s findings are based on the data provided by the district and review of relevant child welfare records.

Case Examples from the Six Districts

Given the numbers of cases of students who were withdrawn from school to be homeschooled and whose families had a history of prior DCF involvement, OCA sampled child welfare cases of children in each of the school districts for the purpose of taking a more in-depth review of that history. OCA reviewed some cases where children had already been withdrawn to be homeschooled but where DCF subsequently became involved again for other reasons. In some of these cases, per child welfare records, the children reported receiving instruction in their home either from the parent or from a computer-based curriculum. In other cases where DCF was again involved and the child was already being homeschooled there was little documentation of the nature of the child’s education. In many cases OCA reviewed, the DCF involvement pre-dated the child’s withdrawal from school so OCA has no information about the nature of the education ultimately provided to the withdrawn child. Below are certain case examples that illustrate the need for a safety net for withdrawn students.

Case Example (1)

In 2016, two children in the family, ages 8 and 12, were removed from school to be homeschooled. The children’s family has a history of six prior accepted reports to DCF between 2011 and 2015. In 2011, DCF received a report alleging substance abuse and physical neglect of the children by their mother. Reports were not substantiated and the case closed. In 2012, DCF received new reports of physical and emotional neglect of the children and substance abuse by the mother. Reports were not

substantiated and the case was closed. In 2012, DCF received a report from the school alleging educational neglect of one of the children after the child was reportedly absent for more than 50 days of school. The district indicated that the child was homeschooled the previous year but that he had been re-registered for the current school year. DCF was unable to complete its assessment with the family and the case was closed. In 2014, DCF received a report alleging medical neglect of one of the children; the report stated that the child has specialized needs and the parents missed 21 appointments in 7 months, including well-child and specialist appointments. DCF opened the case for ongoing review. In 2015, DCF received a report from the school district alleging physical neglect of the children by the parents. The report alleged that the children come to school with a foul odor and no clean clothes. The district stated that it was seeking DCF intervention to assist the family. The children's mother reported to DCF that she grew up in foster care, and that she now has multiple mental health diagnoses, and that she used to hear voices. The children's father reported that he also grew up in foster care. The mother reported to DCF that the family is homeless and that the children are bullied at school because their youngest brother sometimes urinates on himself. DCF met with the children who reported that they liked school and have friends. The five year old reported that he likes school because his teachers are nice. He reported that he is safe in his home, but that his parents hit him with a belt "for being bad." He reported that "he sees his parents arguing and hitting each other and it makes him feel sad." He reported that he wets himself because he has to use the bathroom and that his friends at school make fun of him. The middle child reported that she goes to school, is not bullied and has lots of friends. She reported that she "wants to make things when she grows up." The oldest brother, sixth grade, reported that he likes school and has friends, but that his young sibling is bullied and he tries to protect him. He reported that his parents are peaceful and do not hit him or his siblings. During the DCF involvement the family obtained housing and the family circumstances appeared to improve. DCF noted that the youngest child, age 2, had not been to the doctor in more than two years despite having certain special health care needs and a history of reported concerns of medical neglect. DCF expressed concerns that the parents need to follow up with the children's medical care and services. The family agreed to cooperate with a referral to community-based services and the DCF case closed. Three days later, the two older children, age 8 and 12, were withdrawn from school to be homeschooled—DCF was not notified.

Case Example (2)

In January 2017, Student No. 1, age 15, and Student No. 2, age 10, were withdrawn from a school district by their mother. The children's mother submitted the following letter to the school district: "Effective immediately, I am withdrawing my children . . . from the . . . Public School District. They will be homeschooling in accordance with CT General Statute 10-184." Records indicate that both children have disabilities.

Child protection records reviewed by OCA indicate that the family had been the subject of seven prior reports to DCF in two states, including Connecticut. The family had four prior reports to State 1's child protection agency between December of 2002 and September of 2006 and three accepted reports to Connecticut DCF from September of 2008 through May of 2014. In State 1 there were three reports of unsanitary living conditions in the home and one report of physical abuse of a sibling of both students. Per Connecticut DCF records, in State 1, mother's mental health was an on-going concern, and she received treatment for certain mental health issues. In Connecticut, there were three reports of unsanitary living conditions and cleanliness of the home and the children. At one point there was no electricity in the home.

In 2015, a school staff member reported to DCF that Student No. 2 had a bruise on his face, which was reportedly caused by one of his parents. DCF investigated and the family stated that the bruising was accidentally inflicted when the family members were playfully rough-housing. DCF did not substantiate the allegation of abuse and closed the case at intake. In January 2017, the student and a sibling were withdrawn from school. DCF was not notified, nor does state law or best practice necessarily compel such notification.

Case Example (3)

In October 2016, Student, 8 years old, was withdrawn from school to be homeschooled. In 2013, the child was the subject of a report to DCF by the school district that he was missing excessive amounts of school despite a family resource professional contacting the family on a weekly basis. DCF records indicate that the mother has a criminal history which included arrests for drug possession, assault and threatening. School personnel reported that the child's mother had been referred for a family resource center but had not followed through. DCF documented its concern that mother was overwhelmed. DCF made a referral for the family for community services, which was agreed to by the mother, and the child protection case was closed. In 2017, nine months after the student was withdrawn from school to be homeschooled, DCF accepted a report from a community professional alleging concerns that the mother was using drugs in the home, and allowing a sex offender to be in the home and that the mother allows people she recently meets to stay at the home and watch her children. DCF's investigation confirmed that two children in the home had been withdrawn from school to be homeschooled. One of the children, age 9, reported learning about math and science at home and having fun with mom. The younger child, age 8, reported that there are lots of people in the home that "do not talk to us a lot," and that during the day he plays games, watches movies and plays board games, does worksheets and reads. He denied knowing what drugs were but reported that "mother smokes her medicine... in her room with her door shut." The children's mother reported that she sends work to the local elementary school to be reviewed. When DCF contacted the local school, school personnel stated that they had no information on the children being homeschooled, that the children's mother had never brought any work to the school to show "proof that the children were being homeschooled," and that DCF should contact the District's central office. A representative from the district's central office told the DCF social worker to speak with the local school as all work would be reviewed by school personnel. DCF substantiated neglect of the two children on the grounds of exposing the children to substance use and inappropriate caretakers. The children's father then successfully petitioned the local family court for custody of the children.

Case Example (4)

In May 2015, the local school district contacted DCF with concerns about educational neglect of at least one elementary school age child in a family's home. The parent indicated that she was homeschooling one of her children, 3rd grade, and intended to homeschool her other child, 4th grade, but had not yet provided the district with a notice of intent to homeschool regarding the second child.

School personnel reported to DCF that they visited the home, as neither child was attending school, and observed that both children were playing video games. The district referred the family to town youth services, but the family did not want to engage in that service. DCF accepted the referral from the district but outreach efforts with the children's mother were unsuccessful. Eventually DCF was able to confirm with the school district that the children's mother had since signed her child out of school and provided notice of her intent to homeschool. The notice of intent stated that an "Annual Portfolio Review will be held on or about CERTAIN DATE." There is no documentation from the

school district that a portfolio review ever occurred. DCF closed the file stating that: “Risk and safety were unable to be assessed as family would not cooperate.”

The family had a history of three prior reports to DCF in which, according to child welfare records, the children’s mother chose not to cooperate with DCF, including “three prior unsubstantiated reports dating back to 2006, with DCF last involved in 2011 due to issues of [possible physical abuse], inadequate shelter and family violence.” All three cases closed at the investigations stage.

The case re-opened with DCF in 2018 due to allegations of physical neglect and possible educational neglect of one of the children. The case is pending.

Case Example (5)

In March 2017, Student No. 1, age 16, was withdrawn from the school district. The District was not able to provide OCA with any forms or copies of letters from the Student’s parent/s making that change. The family was the subject of seven prior reports to DCF. In 2005, a report was made by the school district, alleging educational neglect of children in the home. The children were not enrolled in school until October and had already missed 25 days of school. The children’s mother reported that she had moved, and that one of the children had been bullied the year before. The parent did not agree to sign releases. The case was unsubstantiated and closed. In 2008, a report was made to DCF by law enforcement regarding a physical altercation between the parents in which the children’s mother allegedly assaulted the father in the presence of a child. The mother was arrested for Disorderly Conduct. The allegation was not substantiated as there was no evidence the child was impacted. In 2009, a report was made to DCF by law enforcement regarding a domestic incident between father and a child in home. Father was arrested. In 2010, new reports were made to DCF by a community provider regarding domestic violence in the home. The children’s mother did not sign releases for DCF but indicated that she could meet the needs of the children and would use a safety plan. In 2012, another report was made to DCF by a school district alleging that one of the children had been kicked out of his home by his mother due to allegedly out of control behaviors. DCF became involved but the child’s mother declined to cooperate, and the mother reported that the child was unwilling to speak with DCF. DCF provided the family with information about available services. In 2013, DCF received another report from a community provider indicating that one child in the home was admitted for psychiatric reasons and disclosed being hit by his mother and another child in the home. Child expressed worry about DCF involvement. Child did not make a specific disclosure about an incident or an injury and the DCF Careline declined to accept the report. In 2017, one of the children told a school staff member that she was hit by her mother during an argument. School staff reported seeing a “bruise the size of a small apple,” and the school nurse reported that “mother must [have] used some force because ... it was a good mark.” School personnel reported that child additionally stated that that mother threatened to hit her again that morning and that “mother is angry and stressed all of the time.” DCF opened the case for investigation. The child’s mother tape-recorded the DCF social worker’s interview with the child who denied being hit, stated that the bruise was from an accident, and that she had no concerns of any kind about her home life. When asked by the worker why the report received by DCF had different information, the child “informed [the DCF worker] that there must have been some sort of misunderstanding.” DCF did not observe unsafe conditions in the home at this time. During the pendency of the investigation, the mother withdrew another older child from school. That child reported to DCF during a conversation that was also taped by the children’s mother that he was going to be homeschooled because he was having a “hard time” in school. He denied any concerns in the home.

Case Example (6)

Student, grade 9, was removed from school in May 2016. The student's family was involved with DCF several times prior to 2016 for concerns of neglect, including educational neglect. The school district reported to DCF that the child was regularly absent, and that the child's mother did not respond to letters or requests to meet with school officials. The district filed a Family With Service Needs (FWSN) Petition with the Juvenile Court (on truancy grounds) in 2014 and again in 2015 due to the child's lack of attendance in school and specialized psychiatric needs. The child was withdrawn from school in 2016.

OCA follow up: When OCA looked to follow up on this case, child welfare records indicated that in 2017 a new case was filed with DCF over concerns of emotional/physical neglect. DCF investigation records indicated that the child was not enrolled in school. Records include no information regarding homeschooling. The child's family reported to DCF that they intended to enroll the child in Job Corps.

Case Example (7)

Student was removed from school at some point during the last couple of years (district did not provide OCA with specific date). The child's family had a history of multiple prior reports to DCF, including reported concerns of educational neglect: one report alleged the child had accumulated 70 absences by the spring of a recent school year. The district also filed a Family with Service Needs Petition on truancy grounds. DCF referred the family for services with community providers. A community provider subsequently called DCF and alleged the child was educationally neglected. DCF re-opened the case for ongoing review and filed a neglect petition with the Juvenile Court. DCF opened another case regarding the family in 2016 due to recurrent allegations of neglect, and the child's mother informed DCF that the child was not enrolled in school and was being homeschooled. Child was also on probation for "fighting," or "stealing." Child welfare record includes concerns that that the child has unmet mental health treatment needs. DCF closed the case in 2016, after referring the family for additional services. The DCF record notes that the child's mother stated she re-registered the child in school.

Other States' Approaches to Home-Schooling Regulation

Home-schooling is regulated by many states, though approaches to such oversight and regulation vary. Connecticut is identified as a state with very few requirements or regulations with regard to homeschooling.⁸ The Home School Legal Defense Association identifies neighboring states such as New York, Massachusetts, Rhode Island, Vermont, Pennsylvania, New Hampshire and Maine as having moderate to high regulation of home-schooling.⁹ According to home-schooling law/regulation clearinghouse sites and OCA's own review, certain states require a parent to keep records of a child's progress, submit an affidavit regard intent to home school, require annual renewal notifications, or other requirements. Several states have a form of ongoing assessment requirement, qualifications of

⁸ See Coalition for Responsible Home Education—Advocating for Homeschooled Children: <https://www.responsiblehomeschooling.org/policy-issues/current-policy/record-keeping/> (Nov. 27, 2017); see also Homeschool State Laws—Homeschool Laws For The 50 United States: <http://homeschoolstatelaws.com/>.

⁹ See the Home School Legal Defense Association (HSLDA) <https://www.hslda.org/about/> (Nov. 27, 2017).

proposed home-school teacher (typically a high school diploma or equivalent), or other requirements for special-needs students. Connecticut statutes are silent on all of the elements identified herein.

The Homeschooling Legal Defense Association's breaks down the 50 states' frameworks for regulating homeschooling into the following categories--¹⁰

1. States with High Regulation (5)

New York, Rhode Island, Massachusetts, Pennsylvania, Vermont.

2. States with Moderate Regulation (18)

Maine, New Hampshire, Maryland, Virginia, North Carolina, South Carolina, Florida, Louisiana, West Virginia, Ohio, Tennessee, Minnesota, North Dakota, South Dakota, Colorado, Washington, Oregon, and Hawaii.

3. States With Low Regulation (16)

Delaware, Mississippi, Georgia, Alabama, Arkansas, Kentucky, Wisconsin, Kansas, Nebraska, Montana, Wyoming, New Mexico, Arizona, Nevada, Utah, and California.

4. States with No Notice Requirement [Regulation] (11)

Connecticut, New Jersey, Michigan, Indiana, Illinois, Iowa, Missouri, Oklahoma, Texas, Idaho, and Alaska.

A Massachusetts Supreme Court case, *Brunelle v. Lynn Public Schools*, 428 Mass. 512 (1998),¹¹ addressed the type of regulatory/oversight requirements a local school district may create for families to homeschool their children. The Court held that Massachusetts' compulsory school attendance law provides a "statutory exemption [which] authorizes approved home education for children, and, in so doing, protects the basic constitutional right of parents to direct the education of their children. This right is subject to the State's interest in seeing that children in home education programs receive an education."¹² The Court held that districts "may enforce, through the approval process ... certain reasonable educational requirements similar to those required for public and private schools." The Court enumerated that districts may require:

1. Certain mandatory courses be taught.
2. The competence of the proposed teacher.
3. The length of the school year and hours of instruction.
4. That parents furnish school officials with access to textbooks, workbooks, and other instructional aids, as well as lesson plans and teaching manuals.

¹⁰ <https://hsllda.org/content/laws/>

¹¹

https://scholar.google.com/scholar_case?case=8767001217683791564&hl=en&as_sdt=6&as_vis=1&oi=scholar

¹² *Brunelle v. Lynn Public Schools*, 428 Mass. at 514.

5. That the parent employ periodic standardized testing or other means of evaluating the children's progress.

The Court held that with appropriate requirements, there “may be no need for periodic on-site visits or observations of the home learning environment by school authority personnel.”¹³ The Court noted that “examination of the statutes and regulations throughout the country discloses that the States have concluded that their interests can be satisfied if the home education plan complies with a list of requirements which are similar to those described in [MA case law], including periodic assessment of the child's progress by means of standardized testing or other alternatives that measure aptitude and learning.”¹⁴ The Massachusetts' Court's opinion references the fact that, at that time, “39 states require parents to notify the State or the school district of their intent to homeschool their children, ... and many require compliance with State time and curriculum mandates ... Many states focus on teacher qualifications, and those that group home schools with other private schools require teacher certification. .. Almost all States require periodic assessment of home schooled students' academic progress.”¹⁵

Brief Discussion

From the OCA's December 12 2017 Child Fatality Investigative Report—Matthew Tirado—

There is no specific language in state law regarding home-schooling requirements. There is no specific law regarding when and how a district should or must address any concerns it has about a parent's intent to home-school where there are recent or active concerns about child abuse or neglect. OCA finds, however, that other state laws regarding the duties of mandated reporters, including school employees, to report suspected abuse and neglect of children *may* implicate a district's procedures for processing homeschool notifications.

There must be a safety net to protect children who are victims of abuse and neglect from being withdrawn from the safe harbor and visibility of school and removed to a less or even potentially non-visible environment, with the consequence of either no education or continued lack of protection from abuse and neglect. Even for children who have never been victims of abuse or neglect, there must be some mechanism for ensuring that children are actually being homeschooled.

In Matthew's and his sister's case, when Ms. Tirado filed a request to home-school her daughter only months after the district contacted DCF and the Judicial Branch with educational neglect concerns about that child, and while Ms. Tirado had not permitted Matthew to attend school for almost a year (with

¹³ *Brunelle* at 515.

¹⁴ *Brunelle* at 516.

¹⁵ *Brunelle v. Lynn Public Schools*, 428 Mass. at 516, n. 7.

no formal withdrawal or request to home-school), the district should have immediately contacted the DCF Careline with a new report.¹⁶

Connecticut state law does contain language that requires parents of school-age children to ensure their children are enrolled in school or be “able to show that the child is elsewhere receiving equivalent instruction.” The district is required to “cause each child ... living in the school district to attend school ... and shall perform all acts required of it ... to carry into effect the powers and duties imposed by law.” SDE’s Circular Letter from 1993 was an attempt to guide districts in how they can implement these requirements, and the recommended “portfolio review” was the mechanism suggested to ensure compliance with compulsory education and equivalency requirements. But the current meaning of state compulsory education laws and their implication for homeschooled students remains open to interpretation.

In the absence of a clear statutory-regulatory framework for parents and districts to follow regarding 1) notice to districts of the intent to homeschool, 2) how a demonstration of equivalent education is completed, 3) what constitutes an equivalent education, and 4) how progress of a student must be gauged through testing or records review, districts and parents are left without a clear set of requirements to follow.

OCA finds that the absence of any specific state law or regulation regarding the withdrawal of students to be homeschooled has allowed certain children, some of whom may be documented victims of abuse or neglect or prior alleged victims of abuse or neglect, to be withdrawn from school without any plan for follow up or assurances that the child will receive any education at all. The absence of specific regulation also may confound the approach of child welfare investigators from DCF when they are investigating an accepted report of child abuse and neglect and develop information that a child in the home has been withdrawn from school to be homeschooled.

Recommendations

Unlike most states, Connecticut is identified as a state with no regulation of homeschooling. OCA is not concerned with the merits of homeschooling. OCA is concerned about children who are withdrawn from school and not provided any education at all and/or who may be living in conditions that are abusive and neglectful. Home-schooling is regulated by many states, though approaches to such oversight and regulation vary. OCA strongly recommends that Connecticut stakeholders consider the unintended consequences of having *no* clear regulation for homeschooling and the impact on the safety net for children.

1. A stakeholder group should be convened, inclusive of the CSDE and DCF, school district personnel, and advocates for homeschooling families, to discuss the merits and components of a regulatory framework for homeschooling in Connecticut that will minimally ensure a child withdrawn from school for the purpose of homeschooling is receiving an education and is making progress in instructed areas.

¹⁶ Hartford Public Schools is engaged in an active and robust effort to improve its framework for mandated reporting of suspected child abuse and neglect. The OCA continues to consult with the district in this effort, and the district is utilizing the services of an outside consulting group to support this work.

2. The stakeholder group should consider statutory-regulatory frameworks utilized by other states including requirements regarding 1) notice of withdrawal, 2) curriculum, 3) hours/days of instruction, 4) teacher qualifications, and 5) assessment and progress.
3. The Connecticut Legislature should receive the stakeholder group's recommendations and consider any appropriate modifications to existing state law regarding compulsory education.
4. DCF should consider, as part of and concurrent to the stakeholder group, what processes it may best employ when it is investigating an already accepted report of suspected child abuse and neglect and it develops information that a child in the family has been withdrawn from school to be educated at home.

Appendix-
Sample of State Homeschooling Laws

New York Homeschool Law

New York Homeschooling laws are set by Regulation - Part 100.10 of Regulations of the Commissioner of Education. According to the HSLDA:

1. Submit a notice of intent.

“Parents or other persons in parental relation to a student of compulsory school attendance age shall annually provide written notice to the superintendent of schools of their school district of residence of their intention to educate their child at home by July 1st of each year... Parents who determine to commence home instruction after the start of the school year, or who establish residence in the school district after the start of the school year, shall provide written notice of their intention to educate their child at home within 14 days following the commencement of home instruction.”

2. Submit an Individualized Home Instruction Plan (IHIP).

“[T]he parent shall submit the completed [Individualized Home Instruction Plan] form to the school district,” within a certain time frame. The district “shall give the parents written notice of any deficiency in the IHIP,” which must then be revised. A district is empowered to find that the plan is not compliant with regulatory requirements, which finding the parent may challenge. The IHIP must include:

1. the child's name, age and grade level;
2. a list of the syllabi, curriculum materials, textbooks or plan of instruction to be used in each of the required subjects listed in subdivision (e) of this section;
3. the dates for submission to the school district of the parents' quarterly reports as required in subdivision (g) of this section. These reports shall be spaced in even and logical periods;
4. the names of the individuals providing instruction; and
5. a statement that the child will be meeting the compulsory educational requirements of Education Law, section 3205 through full-time study at a degree-granting institution, meaning enrollment for at least 12 semester hours in a semester or its equivalent, if that is the case. In this situation, the IHIP shall identify the degree-granting institution and the subjects to be covered by that study.

3. Comply with day, hour, and subject requirements.

a. Required courses.

1. For purposes of this subdivision, a unit means 6,480 minutes of instruction per school year.
2. Instruction in the following subjects shall be required:
 - i. For grades one through six: arithmetic, reading, spelling, writing, the English language, geography, United States history, science, health education, music,

visual arts, physical education, bilingual education and/or English as a second language where the need is indicated.

- ii. For grades seven and eight: English (two units); history and geography (two units); science (two units); mathematics (two units); physical education (on a regular basis); health education (on a regular basis); art (one-half unit); music (one-half unit); practical arts (on a regular basis); and library skills (on a regular basis). The units required herein are cumulative requirements for both grades seven and eight.
 - iii. The following courses shall be taught at least once during the first eight grades: United States history, New York State history, and the Constitutions of the United States and New York State.
 - iv. For grades 9 through 12: English (four units); social studies (four units), which includes one unit of American history, one-half unit in participation in government, and one-half unit of economics; mathematics (two units); science (two units); art and/or music (one unit); health education (one-half unit); physical education (two units); and three units of electives. The units required herein are cumulative requirements for grades 9 through 12.
 - v. Education Law, sections 801, 804, 806 and 808, also require the following subjects to be covered during grades kindergarten through 12:
 - a. patriotism and citizenship;
 - b. health education regarding alcohol, drug and tobacco misuse;
 - c. highway safety and traffic regulations, including bicycle safety; and
 - d. fire and arson prevention and safety.
- b. Attendance requirements. Each child shall attend upon instruction as follows:
1. The substantial equivalent of 180 days of instruction shall be provided each school year.
 2. The cumulative hours of instruction for grades 1 through 6 shall be 900 hours per year. The cumulative hours of instruction for grades 7 through 12 shall be 990 hours per year.
 3. Absences shall be permitted on the same basis as provided in the policy of the school district for its own students.
 4. Records of attendance shall be maintained by the parent and shall be made available to the school district upon request.
 5. Instruction provided at a site other than the primary residence of the parents shall be provided in a building which has not been determined to be in violation of the local building code.

4. File quarterly reports.

Quarterly reports. On or before the dates specified by the parent in the IHIP, a quarterly report for each child shall be furnished by the parent to the school district. The quarterly report shall contain the following:

1. the number of hours of instruction during said quarter;
2. a description of the material covered in each subject listed in the IHIP;
3. either a grade for the child in each subject or a written narrative evaluating the child's progress; and
4. a written explanation in the event that less than 80 percent of the amount of the course materials as set forth in the IHIP planned for that quarter has been covered in any subject.

5. Assess your child annually.

Annual assessment. At the time of filing the fourth quarterly report as specified in the IHIP, the parent shall also file an annual assessment in accordance with this subdivision. The annual assessment shall include the results of a commercially published norm referenced achievement test which meets the requirements of paragraph (1) of this subdivision, or an alternative form of evaluation which meets the requirements of paragraph (2) of this subdivision.

1. Commercially published norm-referenced achievement tests.
 - i. The test shall be selected by the parent from one of the following: the Iowa Test of Basic Skills, the California Achievement Test, the Stanford Achievement Test, the Comprehensive Test of Basic Skills, the Metropolitan Achievement Test, a State Education Department test, or another test approved by the State Education Department.
 - ii. The test shall be administered in accordance with one of the following options, to be selected by the parents:
 - a. at the public school, by its professional staff;
 - b. at a registered nonpublic school, by its professional staff, provided that the consent of the chief school officer of the nonpublic school is obtained;
 - c. at a nonregistered nonpublic school, by its professional staff, provided that the consent of the superintendent of schools of the school district and of the chief school officer of the nonpublic school is obtained; or
 - d. at the parents' home or at any other reasonable location, by a New York State- certified teacher or by another qualified person, provided that the superintendent has consented to having said certified teacher or other person administer the test.
 - iii. The test shall be scored by the persons administering the test or by other persons who are mutually agreeable to the parents and the superintendent of schools.
 - iv. The test shall be provided by the school district upon request by the parent, provided that the cost of any testing facilities, transportation, and/or personnel for testing conducted at a location other than the public school shall be borne by the parent.

- v. If a score on a test is determined to be inadequate, the program shall be placed on probation pursuant to subdivision (i) of this section. A student's score shall be deemed adequate if:
 - a. the student has a composite score above the 33rd percentile on national norms; or
 - b. the student's score reflects one academic year of growth as compared to a test administered during or subsequent to the prior school year.
2. Alternative evaluation methods. An alternative form of evaluation shall be permitted to be chosen by the parent only as follows:
 - i. for grades one through three, a written narrative prepared by a person specified in subparagraph (iii) of this paragraph;
 - ii. for grades four through eight, a written narrative prepared by a person specified in subparagraph (iii) of this paragraph. This alternative form of evaluation may be used no more often than every other school year for these grades;
 - iii. for the purposes of this paragraph, the person who prepares the written narrative shall be a New York State-certified teacher, a home instruction peer group review panel, or other person, who has interviewed the child and reviewed a portfolio of the child's work. Such person shall certify either that the child has made adequate academic progress or that the child has failed to make adequate progress. In the event that such child has failed to make adequate progress, the home instruction program shall be placed on probation pursuant to subdivision (i) of this section. The certified teacher, peer review panel or other person shall be chosen by the parent with the consent of the superintendent. Any resulting cost shall be borne by the parent.
 3. If a dispute arises between the parents and the superintendent of schools, including disputes over the administration of the commercially published norm-referenced achievement test or the use of alternative evaluation methods, the parents may appeal to the board of education. If the parents disagree with the determination of the board of education, the parents may appeal to the Commissioner of Education within 30 days of receipt of the board's final determination.

Probation

Probation.

1. If a child's annual assessment fails to comply with the requirements of subdivision (h) of this section, the home instruction program shall be placed on probation for a period of up to two school years. The parent shall be required to submit a plan of remediation which addresses the deficiencies in the child's achievement, and seeks to remedy said deficiencies. The plan shall be reviewed by the school district. The school district may require the parents to make changes in the plan prior to acceptance.
2. If after the end of any semester of the probationary period, the child progresses to the level specified in the remediation plan, then the home instruction program shall be removed from probation. If the child does not attain at least 75 percent of the objectives specified in the remediation plan at the end of any given semester within the period of probation, or if after

two years on probation 100 percent of the objectives of the remediation plan have not been satisfied, the superintendent of schools shall provide the parents with the notice specified in paragraph (c)(5) of this section and the board of education shall review the determination of noncompliance in accordance with such paragraph, except that consent of the parents to such review shall not be required.

3. If, during the period of probation, the superintendent of schools has reasonable grounds to believe that the program of home instruction is in substantial noncompliance with these regulations, the superintendent may require one or more home visits. Such home visit(s) shall be made only after three days' written notice. The purpose of such visit(s) shall be to ascertain areas of noncompliance with these regulations and to determine methods of remediating any such deficiencies. The home visit(s) shall be conducted by the superintendent or by the superintendent's designee. The superintendent may include members of a home instruction peer review panel in the home visit team.

Rhode Island

Rhode Island Homeschooling laws are by statute - Rhode Island General Law/RIGL 16-19-2.

§ 16-19-1. Attendance required.

- (a) Every child who has completed, or will have completed, six (6) years of life on or before September 1 of any school year, or is enrolled in kindergarten, and has not completed eighteen (18) years of life, shall regularly attend some public day school during all the days and hours that the public schools are in session in the city or town in which the child resides... provided, that if the person so charged shall prove that the child has attended, for the required period of time, a private day school approved by the commissioner of elementary and secondary education pursuant to § 16-60-6(10); or a course of at-home instruction approved by the school committee of the town where the child resides; or has been accepted into an accredited post-secondary education program; or has obtained a waiver under subsection (b); or that the physical or mental condition of the child was such as to render his or her attendance at school inexpedient or impracticable; or that the child was excluded from school by virtue of some other general law or regulation, then attendance shall not be obligatory nor shall the penalty be incurred.

§ 16-19-2. Approval of private schools – Requirements – Review.

For the purposes of this chapter a private school or at-home instruction shall be approved only when it complies with the following requirements: (1) that the period of attendance of the pupils in the school or in the home instruction is substantially equal to that required by law in public schools; (2) that registers are kept and returned to the school committee, the superintendent of schools, truant officers, and the department of elementary and secondary education in relation to the attendance of pupils, and are made the same as registers kept by the public schools; (3) that reading, writing, geography, arithmetic, the history of the United States, the history of Rhode Island, and the principles of American government shall be taught in the English language substantially to the same extent as these subjects are required to be taught in the public schools, and that the teaching of the English language and of other subjects indicated in this section shall be thorough and efficient; provided, however, that nothing contained in this section shall be construed or operate to deny the right to teach in private schools or in at-home instruction any of the subjects or any other subject in

any other language in addition to the teaching in English as prescribed in this section; provided, further, that any interested person resident in any city or town aggrieved by the action of the school committee of the city or town either in approving or refusing to approve at-home instruction may appeal the action to the department of elementary and secondary education. The department of elementary and secondary education, after notice to the parties interested of the time and place of a hearing, shall examine and decide the appeal without cost to the parties. The commissioner of elementary and secondary education shall also grant a hearing to any party aggrieved by a refusal to approve a private school pursuant to § 16-60-6(10). The decision of the board of regents for elementary and secondary education shall, if an appeal is made to the board, be final.

Pennsylvania

Pennsylvania Homeschooling laws are by statute - Pennsylvania Statute 24 P.S. Section 13-1327.1.

(a) The following words and phrases when used in this section shall have the meanings given to them in this subsection:

“Appropriate education” shall mean a program consisting of instruction in the required subjects for the time required in this act and in which the student demonstrates sustained progress in the overall program.

“Department” shall mean the Department of Education of the Commonwealth.

“Hearing examiner” shall not be an officer, employe or agent of the Department of Education or of the school district or intermediate unit of residence of the child in the home education program.

“Home education program” shall mean a program conducted, in compliance with this section, by the parent or guardian or such person having legal custody of the child or children.

“Supervisor” shall mean the parent or guardian or such person having legal custody of the child or children who shall be responsible for the provision of instruction, provided that such person has a high school diploma or its equivalent.

(b) The requirements contained in sections 1511 and 1511.1, 1 except as provided for in this section, and section 1605 2 shall not apply to home education programs. A home education program shall not be considered a nonpublic school under the provisions of this act.

(1) A notarized affidavit of the parent or guardian or other person having legal custody of the child or children, filed prior to the commencement of the home education program and annually thereafter on August 1 with the superintendent of the school district of residence and which sets forth: the name of the supervisor of the home education program who shall be responsible for the provision of instruction; the name and age of each child who shall participate in the home education program; the address and telephone number of the home education program site; that such subjects as required by law are offered in the English language, including an outline of proposed education objectives by subject area; evidence that the child has been immunized in accordance with the provisions of section 1303(a) and has received the health and medical services required for students of the child's age or grade level in Article XIV; and that the home education program shall comply with the provisions of this section and that the notarized affidavit shall be satisfactory evidence thereof. The required outline of proposed education objectives shall not be utilized by the superintendent in determining if the home education program is out of compliance with this section and section 1327. The affidavit shall contain a certification to be signed by the supervisor that the supervisor, all adults living in the home and persons having legal custody of a child or children in a home education program have not

been convicted of the criminal offenses enumerated in subsection (e) of section 111.5 within five years immediately preceding the date of the affidavit.

(2) In the event the home education program site is relocating to another school district within this Commonwealth during the course of the public school term or prior to the opening of the public school term in the fall, the supervisor of the home education program must apply, by registered mail, thirty (30) days prior to the relocation, to the superintendent of the district in which he or she currently resides, requesting a letter of transfer for the home education program to the district to which the home education program is relocating. The current superintendent of residence must issue the letter of transfer thirty (30) days after receipt of the registered mail request of the home education program supervisor.

(i) If the home education program is not in compliance with the provisions of this section, the superintendent of the current district of residence must inform the home education supervisor and the superintendent of the district to which the home education program is relocating the status of the home education program and the reason for the denial of the letter of transfer.

(ii) If the home education program is in hearing procedures, as contained in this section, the superintendent of the current district of residence must inform the home education supervisor, the assigned hearing examiner and the superintendent of the district to which the home education program is relocating the status of the home education program and the reason for the denial of the letter of transfer.

(3) The letter of transfer, required by clause (2), must be filed by the supervisor of the home education program with the superintendent of the new district of residence. In the case of pending proceedings, the new district of residence superintendent shall continue the home education program until the appeal process is finalized.

(c) A child who is enrolled in a home education program and whose education is therefore under the direct supervision of his parent, guardian or other person having legal custody shall be deemed to have met the requirements of section 1327 if that home education program provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year at the secondary level:

(1) At the elementary school level, the following courses shall be taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.

(2) At the secondary school level, the following courses shall be taught: English, to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the United States and Pennsylvania; mathematics, to include general mathematics, algebra and geometry; art; music; physical education; health; and safety education, including regular and continuous instruction in the dangers and prevention of fires. Such courses of study may include, at the discretion of the supervisor of the home education program, economics; biology; chemistry; foreign languages; trigonometry; or other age-appropriate courses as contained in Chapter 5 (Curriculum Requirements) of the State Board of Education.

(d) The following minimum courses in grades nine through twelve are established as a requirement for graduation in a home education program:

(1) Four years of English.

- (2) Three years of mathematics.
- (3) Three years of science.
- (4) Three years of social studies.
- (5) Two years of arts and humanities.

(d.1)(1) Notwithstanding any provision of this act or any other law or regulation to the contrary, a high school diploma awarded by a supervisor or an approved diploma-granting organization shall be considered as having all the rights and privileges afforded by the Commonwealth, a Commonwealth agency, including, but not limited to, the Pennsylvania Higher Education Assistance Agency, a political subdivision, a local agency and an authority or instrumentality of the Commonwealth or a political subdivision to a high school diploma awarded under this act, subject to subparagraphs (i) and (ii):

(i) In the case of a diploma awarded by a supervisor the following shall apply:

(A) The student receiving the diploma shall have completed all the requirements in subsection (d) while enrolled in a home education program that is in compliance with this section.

(B) The diploma shall be awarded to the student on a standardized form to be developed by the department and which shall be made available on the department's publicly accessible Internet website.

(C) The diploma shall be signed by the student's twelfth grade evaluator in confirmation of the student's suitability for graduation.

(ii) In the case of a diploma awarded by an approved diploma-granting organization the following shall apply:

(A) The student receiving the diploma shall have completed all the requirements in subsection (d) while enrolled in a home education program that is in compliance with this section.

(B) The diploma shall be awarded to the student on a standardized form to be developed by the organization.

(2) The department shall establish eligibility criteria and an application process for approving diploma-granting organizations to award high school diplomas to students enrolled in home education programs. The department shall maintain a list of approved diploma-granting organizations and post the list on the department's publicly accessible Internet website.

(e) In order to demonstrate that appropriate education is occurring, the supervisor of the home education program shall provide and maintain on file the following documentation for each student enrolled in the home education program:

(1) A portfolio of records and materials. The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used, samples of any writings, worksheets, workbooks or creative materials used or developed by the student and in grades three, five and eight results of nationally normed standardized achievement tests in reading/language arts and mathematics or the results of Statewide tests administered in these grade levels. The department shall establish a list, with a minimum of five tests, of nationally normed standardized tests from which the supervisor of the home education program shall select a test to be administered if the supervisor does not choose the Statewide tests. At the discretion of the supervisor, the portfolio may include the results of nationally normed standardized achievement tests for other subject areas or grade levels. The supervisor shall ensure that the nationally normed standardized tests or the Statewide tests shall not be administered by the child's parent or guardian.

(i) A teacher or administrator who evaluates a portfolio at the elementary level (grades kindergarten through six) shall have at least two years of experience in grading any of the following subjects: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; and civics.

(ii) A teacher or administrator who evaluates a portfolio at the secondary level (grades seven through twelve) shall have at least two years of experience in grading any of the following subjects: English, to include language, literature, speech, reading and composition; science, to include biology, chemistry and physics; geography; social studies, to include economics, civics, world history, history of the United States and Pennsylvania; foreign language; and mathematics, to include general mathematics, algebra, trigonometry, calculus and geometry.

(iii) As used in this clause, the term “grading” shall mean evaluation of classwork, homework, quizzes, classwork-based tests and prepared tests related to classwork subject matter.

(2) An annual written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist or a teacher certified by the Commonwealth or by a nonpublic school teacher or administrator. Any such nonpublic teacher or administrator shall have at least two years of teaching experience in a Pennsylvania public or nonpublic school within the last ten years. Such nonpublic teacher or administrator shall have the required experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The certified teacher shall have experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The evaluation shall also be based on an interview of the child and a review of the portfolio required in clause (1) and shall certify whether or not an appropriate education is occurring. At the request of the supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the district of residence superintendent. In no event shall the evaluator be the supervisor or their spouse.

(f) The school district of residence shall, at the request of the supervisor, lend to the home education program copies of the school district's planned courses, textbooks and other curriculum materials appropriate to the student's age and grade level.

(f.1) (1) Beginning January 1, 2006, the school district of residence shall permit a child who is enrolled in a home education program to participate in any activity that is subject to the provisions of section 511, including, but not limited to, clubs, musical ensembles, athletics and theatrical productions, provided that the child:

(i) Meets the eligibility criteria or their equivalent for participation in the activity that apply to students enrolled in the school district;

(ii) Meets the tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school district; and

(iii) Complies with all policies, rules and regulations or their equivalent of the governing organization of the activity.

(2) For the purposes of this subsection, the school district of residence's program of interscholastic athletics, including varsity sports, shall be considered an activity and shall include all activities related to competitive sports contests, games, events or exhibitions involving individual students or teams of students whenever such activities occur between schools within the school district or between schools outside of the school district.

(3) Where the activity requires completion of a physical examination or medical test as a condition of participation and the school district of residence offers such physical examination or medical test

to students enrolled in the school district, the school district shall permit a child who is enrolled in a home education program to access such physical examination or medical test. The school district shall publish the dates and times of such physical examination or medical test in a publication of general circulation in the school district and on its publicly accessible Internet website.

(4) A board of school directors may adopt a policy to implement the requirements of this subsection. Such policy shall only apply to participation in activities and shall not conflict with any provisions of this section.

(g) When documentation is required by this section to be submitted to the hearing examiner, the hearing examiner shall return, upon completion of his review, all such documentation to the supervisor of the home education program. The hearing examiner may photocopy all or portions of the documentation for his files.

(h) Deleted by [2014, Oct. 31, P.L. 2967, No. 196, § 1](#), imd. effective.

(h.1) An evaluator's certification stating that an appropriate education is occurring for the school year under review shall be provided by the supervisor to the superintendent of the public school district of residence by June 30 of each year. If the supervisor fails to submit the certification due on June 30 to the superintendent, the superintendent shall send a letter by certified mail, return receipt requested, to the supervisor of the home education program, stating that the certification is past due and notifying the supervisor to submit the certification within ten (10) days of receipt of the certified letter. If the certification is not submitted within that time, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

(i) Deleted by [2014, Oct. 31, P.L. 2967, No. 196, § 1](#), imd. effective.

(i.1) If the superintendent has a reasonable belief, at any time during the school year, that appropriate education may not be occurring in the home education program, he may submit a letter to the supervisor, by certified mail, return receipt requested, requiring that an evaluation be conducted in accordance with subsection (e)(2) and that an evaluator's certification stating that an appropriate education is occurring for the school year under review, be submitted to the district by the supervisor within thirty (30) days of the receipt of the certified letter. The certified letter shall include the basis for the superintendent's reasonable belief. If the tests, as required in subsection (e)(1), have not been administered at the time of the receipt of the certified letter by the supervisor, the supervisor shall submit the other required documentation to the evaluator and shall submit the test results to the evaluator with the completed documentation at the conclusion of the school year. If the certification is not submitted to the superintendent within thirty (30) days of receipt of the certified letter, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

(j) Deleted by [2014, Oct. 31, P.L. 2967, No. 196, § 1](#), imd. effective.

(j.1) If the superintendent has a reasonable belief that the home education program is out of compliance with any other provisions of this section, the superintendent shall submit a letter to the supervisor by certified mail, return receipt requested, requiring a certification to be submitted within thirty (30) days indicating that the program is in compliance. The certified letter shall include the basis for the superintendent's reasonable belief. If the certification is not submitted within thirty (30) days of receipt of the certified letter, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

(k) If a hearing is required by the provisions of subsection (h.1), (i.1) or (j.1), the board of school directors shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The examiner shall render a decision within fifteen (15) days of the hearing except that he may require the establishment of a remedial education plan mutually agreed to by the superintendent and supervisor of the home education program which shall continue the home

education program. The decision of the examiner may be appealed by either the supervisor of the home education program or the superintendent to the Secretary of Education, Commonwealth Court or court of common pleas.

(l) If the hearing examiner finds that the evidence does not indicate that appropriate education is taking place in the home education program, the home education program for the child shall be out of compliance with the requirements of this section and section 1327, and the student shall be promptly enrolled in the public school district of residence or a nonpublic school or a licensed private academic school. The home education program may continue during the time of any appeal.

(m) At such time as the child's home education program has been determined to be out of compliance with the provisions of this section and section 1327, the supervisor or spouse of the supervisor of the home education program shall not be eligible to supervise a home education program for that child, as provided for in subsection (b)(1) of this section, for a period of twelve (12) months from the date of such determination.

(n) Nothing in this section shall be construed to affect Federal or State law relating to special education for students with disabilities in home education programs.

Virginia

Virginia homeschool laws are regulated by statute, § 22.1-254.1. Declaration of policy; requirements for home instruction of children.

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. Effective July 1, 2000, parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test, or an equivalent score on the ACT, SAT, or PSAT test or (ii) an evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or

higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress or (b) a report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with § 22.1-254. The requirements of subsection C shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction pursuant to this section. School boards shall adopt written policies that specify the date by which such students shall register to participate in such examinations. School boards shall notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations.

G. No division superintendent or local school board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of § 22.1-254. However, a division superintendent or local school board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this subsection shall prohibit a division superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction as required by subsection B.

Delaware

In Delaware homeschooling is regulated by statute. Title 14, Ch. 27 § 2701 et seq.

§ 2703 Private school attendance or other educational instruction.

Section 2702 of this title shall not apply to any student enrolled in a private school who is receiving regular and thorough instruction in the subjects prescribed for the public schools of the State in a manner suitable to children of the same age and stage of advancement, provided that such private school is subject to and in compliance with § 2704 of this title. For the purposes of this section,

any student who is home-schooled in any manner provided for in § 2703A of this title shall also be exempt from the provisions of § 2702 of this title. Notwithstanding the foregoing, the Justice of the Peace Court may retain jurisdiction over any case of truancy filed pursuant to § 2729 (failure to send) of this title or § 2730 (failure to attend) of this title prior to a student withdrawing from the public school bringing the charge and enrolling in a private or nonpublic school of this State.

§ 2703A Homeschools defined.

For purposes of this chapter, a "homeschool" shall be considered a nonpublic school and there shall be three types of homeschools defined as follows:

- (1) "Multi-family homeschool" means the education of children, primarily by the parents(s) or legal guardian(s) of such children mainly in one or several residences, or other facilities, when such children are not all related to each other as brother or sister. A person shall act as a liaison to the Department of Education for reporting enrollment and attendance information for all families involved.
- (2) "Single-family homeschool" means the education of one's own child(ren) primarily by the parent(s) or legal guardian(s) of such child(ren) mainly in their own residence.
- (3) "Single-family homeschool coordinated with the local school district" means the education of child(ren) primarily by the parent(s) or legal guardian(s) of such child(ren) mainly in their own residence using a curriculum approved by the local superintendent or the local superintendent's designee. The local superintendent shall determine in writing that the student is or will be provided with regular and thorough instruction by the student's parent(s) or legal guardian(s) in the subjects prescribed for the public schools of the State and in a manner suitable to children of the same age and stage of advancement.